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Wickersham, George
Woodward

Washingtons birthday
address before the...

[S.I.]

[1917]

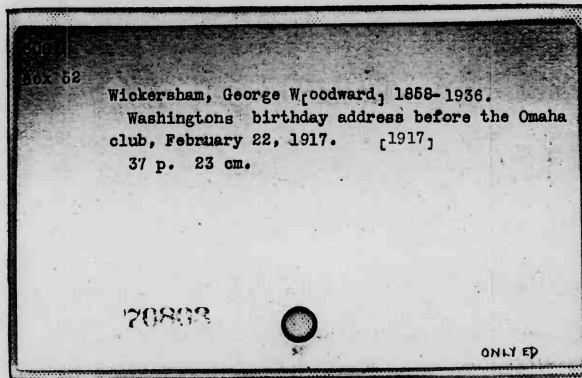
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GEORGE W. WICKERSHAM
WASHINGTONS BIRTHDAY ADDRESS
BEFORE THE OMAHA CLUB
FEBRUARY 22, 1917.

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OFFENSIVE AND DEFENSIVE ALLIANCES.

George Washington, in that priceless legacy of wisdom which he bequeathed to the American people on his retirement from the Presidency in 1796, in earnest and solemn terms warned them against entering into entangling alliances with any foreign nation. For one hundred and twenty years, the United States has accepted and held to that counsel as a cardinal principle of national policy. The treaty of alliance with the King of France, made in 1778, remains the only instance in which our nation has entered into an alliance with any other power.

But very recently, the President of the United States has suggested that under certain conditions, upon the termination of the present war in Europe, the United States might become a member of a league with other nations to secure the continued preservation of peace. Such an alliance, he says, "would involve no breach in either our traditions or our policy, but a fulfillment rather of all that we have professed or striven for."

The fact that all the members of such a league would be animated with the same high purpose of preserving the peace and securing the rights of the others, in his opinion, would differentiate it from the entangling alliances against which Washington advised, and liken it rather to the doctrine of President Monroe. "There is no entangling alliance in a concert of

power," he argues: "When all unite and act in the same sense and with the same purpose, all act in the common interest and are free to live their own lives under a common protection."

Much the same doctrine is advocated by ex-President Taft, who, in a recent address, is quoted as saying: "In the light of the present national crisis, prepare to disregard the warnings given by Washington and Jefferson against entangling alliances. When this advice was given this nation numbered but four million people, and was four or five times farther removed from Europe than now, in point of time required for transportation. Since then the United States has become a world power. Neither Washington nor Jefferson ever dreamed of our Japanese questions, our Philippine problem, or those raised by the Panama Canal. At that time there was no Monroe Doctrine to preserve and defend."

With great respect for both of these eminent men, and with a realization of the popular support which exists for the idea that we can secure for ourselves continued immunity from war, and from the necessity of preparation to defend by force our institutions, our possessions, our ideals and our national prestige among the nations, merely by written agreements, and by inducing other nations in a measure to assume and relieve us of the burdens we ourselves should bear, I must take issue with the views so advanced. I do most earnestly believe that Washington's advice is as sound and should be as controlling today as when it was first given. I believe that he expressed something more than good counsel for

temporary conditions. He formulated a permanent and profound philosophy of national action, based upon his knowledge of previous history; theories ripened into conviction by his own personal experience. In my opinion, the growth of our population and the improved facilities of communication which have drawn us more nearly to other countries, so far from weakening the force of Washington's admonition, have accentuated the vital importance of adhering to that policy, and have demonstrated that the only reliable league for the enforcement of peace, at least so far as concerns America, is that union which began as a loose league of thirteen colonies in 1775; became a confederation of states on the declaration of their independence of Great Britain a year later, was formed into a more perfect union by the Constitution of 1787, and was cemented into a nation by the blood shed in the War of the Rebellion from 1861 to 1865.

Consider the occasion and the nature of the communication in which this counsel against foreign alliances was given. Washington was approaching the end of his second presidential term. He had some time before firmly resolved to close his public life with that period. More than any other man or body of men, Washington had personified the cause of American independence and the establishment on this continent of a new nation, "conceived in liberty and dedicated to the principle that all men are created equal."

He had put his whole soul into the accomplishment of that purpose, and now that the critical period of

disorder and demoralization following the close of the war was passed, and the government created by the Constitution well established, Washington felt justified in yielding to his longing for retirement and rest at his beloved Mt. Vernon. In preparation for this event, as early as May 20, 1792, he wrote to Madison asking him to "turn your thoughts to a valedictory address for me to the public expressing in plain and modest terms, that having been honored with the presidential chair, and to the best of my abilities contributed to the organization and administration of the government—that having arrived at a period of life when the private walks of it, in the shade of retirement, becomes necessary and will be most pleasing to me * * *, that I take my leave of them as a public man; and in bidding them adieu" and invoking the blessings of Providence upon the country, he should make certain observations respecting particular topics which he outlined; and he requested Madison's opinion as to the propriety of such an address, and if he approved, concerning the several matters which ought to be contained in it, and the time when it should appear. (Wash. Wks. V. 12, p. 123.)

On May 15, 1796, Washington sent a draft of the proposed address to Hamilton, inviting criticism of it at his hands. (Id., V. 13, p. 190.) Many other drafts were made, and suggestions of Madison, Hamilton and perhaps others were weighed and considered. The address was finally completed and was published in the Washington Daily Advertiser on September 17, 1796. (Id., V. 13, p. 277.) It opened with a

formal announcement of Washington's resolution to decline being considered as a candidate for re-election. It then expressed his appreciation of the trust and confidence he had enjoyed at the hands of the people, and his satisfaction at the condition of public affairs at the moment.

"Here perhaps I ought to stop," he said, "but a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me on an occasion like the present to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a nation."

The subject which he then touched upon embraced the Union, the Constitution, the duty of obedience to laws, the unwisdom of ill-considered changes in the constitution, the spirit of party and faction, the importance of avoiding encroachment of one department of government upon the domain of another, religion and morality, the general diffusion of knowledge, cultivation of public credit, and a consideration of the principle which should guide the nation in its relations with foreign powers. To the topic last mentioned, he devoted fully one-fifth of the entire address. He enjoined upon the country the duty of observing good faith and justice toward all nations, but he pointed out that in the execution of such a plan, "nothing is more essential than that permanent inveterate antipathies against particular na-

tions and passionate attachments for others should be excluded; and that in place of them, just and amicable feelings toward all should be cultivated." He cautioned "against the insidious wiles of foreign influence, saying: "The great rule of conduct for us in regard to foreign nations is in extending our commercial relations, to have with them as little political connection as possible.—So far as we have already formed engagements, let them be fulfilled with perfect good faith.—Here let us stop. * * * " 'Tis our true policy to steer clear of permanent alliances with any portion of the foreign world * * * constantly keeping in view that 'tis folly in one nation to look for disinterested favor from another." Then follow the passages which from the day they were penned to the present time have been accepted as guiding principles of American Policy! "Europe has a set of primary interests which to us have none, or a very remote relation.—Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities. Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance, when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected, when

belligerent nations, in the impossibility of making acquisitions upon us will not lightly hazard the giving us provocation, when we may choose peace or war as our interest, guided by our justice, shall counsel. * * *

"It is our true policy to steer clear of permanent alliances with any portion of the foreign world;—so far I mean as we are now at liberty to do it.—For let me not be understood as capable of patronizing infidelity to existing engagements. * * * But in my opinion, it is unnecessary and would be unwise to extend them. Taking care always to keep ourselves by suitable establishments on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies."

He enlarged upon the value of the union of the States, for which, "No alliances, however constructed, between the parts," he said, "can be an adequate substitute."

The different parts of the country, he pointed out, must derive from union "an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same government, which their own rivalships alone would be sufficient to produce; but which opposite foreign alliances, attachments and intrigues would stimulate and embitter."

Washington had experienced the embarrassments resulting from foreign engagements. The treaty of alliance with France, when made, was undoubtedly of vital importance to the colonies in their struggle for national existence. Washington could not for-

get, nor should Americans ever forget or cease to be grateful for, the timely aid which the French alliance, followed by French soldiers, French money, and above all, the French fleet under Count de Grasse, brought to America in her hour of need. While the object of the treaty was declared to be to secure the recognition by Great Britain of the independence of the United States, yet it was agreed that neither the latter country nor France should conclude either truce or peace with Great Britain without the consent of the other first obtained. This provision was the occasion of no little embarrassment to the American commissioners in their negotiations for peace in Paris in 1783, and afforded a basis for many obstacles which Count de Vergennes threw in the way of the accomplishment of the negotiations engaged in by Franklin and his associates; obstacles so subtle, so persistent and so embarrassing, as to delay, and almost to thwart their efforts to end the war and to secure a recognition of our independence. As a matter of fact, the treaty of Paris was signed without the formal consent of the French government. The obligations of the United States to France under the treaty of alliance continued to be a source of embarrassment to the American government until its abrogation in 1798. The French view of the situation resulting from the treaty as Prof. McMaster describes it was this: (History of the United States, Vol. 1, p. 318)

"Louis XVI guaranteed the sovereignty and independence of the United States forever; Congress in the name of the States pledged itself to defend

forever the French possessions in America. France had made good her promise, and fought in behalf of America till liberty, sovereignty and independence were obtained. Might she not now (in 1793) call on the States to make good their promise and defend her West Indian possessions? If so, would the United States accede and once more take up arms against Great Britain?"

This was one of the problems with which Washington's administration had to deal, and the insolent conduct of Mr. Genet and other ministers sent by the new French republic, added to the difficulties of the situation. But Genet's conduct reacted upon his cause and aiding in enabling Washington to resist pressure and to adhere to a policy of neutrality despite the embarrassing provisions of the treaty.

With these recent events in mind, Washington's pen naturally gave expression to a warning against both antipathies and against passionate attachments for other nations; and with some bitterness, he bade the country constantly to keep in mind the fact that " 'Tis folly in one nation to look for disinterested favor from another."

He had realized the embarrassment which a weak nation must be under in any alliance with a great and strong power, and so he solemnly warned posterity against entering into similar arrangements with other powers in the future.

Washington looked to the union of the States—and the strength resulting from such union, as promising a more effectual protection against the turmoil of incessant warfare to which Europe was exposed,

than offensive and defensive alliances with foreign powers. The continuance of peace, so essential to the maintenance of prosperity, was as near to the heart of Washington as it ever has been to that of any statesman. He had spent years of his life in warfare. No one ever yearned more ardently for the repose which comes from peace than he. But he saw clearly that peace could only be secured and maintained by uniting into a compact, strong, self-reliant nation, the States which had successfully won their independence.

Washington was not ignorant of the history of the methods by which in the past peace among the nations had been struggled for or secured. During the supremacy of the Romans, the temple of Janus was permanently closed and the *pax Romana* obtained only when the entire known world knelt in submission to Roman arms. This was a peace such as Germany dreams of today; the peace secured by one nation cowering all others into submission to its will. Such a peace lasts only until the spirit of revolt against tyranny becomes strong enough to overthrow it. The universality of Roman power contained in itself the seeds of dissolution, and internecine strife soon began the work of disintegration which was followed by the division of the Empire and then by five centuries of such chaos that they are known to us as "the Dark Ages."

In the Eleventh Century, weary of anarchy, Europe yielded for a little while to the influence of the Christian Church, and men bound themselves by the so-called Truce of God to abstain from all wrong

and violence and solemnly engaged to renew the obligation every five years. It was not very long before this compact was modified into engagements not to fight on certain days or at particular seasons. But all the power and influence of the Church were inadequate to secure a long continuance of this noble effort to apply the teachings of Jesus to the conduct of daily life.

The more practical requirements of commerce brought about the next concerted effort to avoid the waste and destruction of war, through the leagues and compacts between the commercial cities of northern Europe, known as the Hanseatic League. This was "a concert of power," in which all united and acted in the same sense and with the same purpose and in the common interest to protect their rights of trade. But, as a late historian has said:

"The coercive powers of the Hansa never attained to complete development and the league fell because of their inadequacy. Nevertheless, the cities of the league were by no means unwarlike. All were constantly obliged to defend themselves against foreign princes and their own feudal superiors, against pillage by land and piracy by sea, against their sister cities; and the spirit of war was continually aroused by internal dissensions. For all that, they were always weak from a military point of view; and the only reason why it was possible for them to accomplish anything of a warlike nature was because at that time things were not much better with the forces of other ruling houses, even the large kingdoms." (The World's History, by Dr. H. F. Helmut, Vol. 7, p. 26.)

Yet the general plan of the league was most logical and carefully formulated to secure concert of action by communities united by common interests.

Forty-seven cities joined the Lubeck Confederation of 1418, a "definite proportion was laid down for the provision of men and money, and it was decided that if any town of the confederation were attacked, it should receive assistance first from the four nearest cities of the association, later from the eight nearest and finally, if necessary, from the entire league." There were also provisions for the arbitration of disputes among the members. The whole history of the Hanseatic League is worthy of careful study by the advocates of leagues to enforce peace, because it so closely resembles in many of its details the recommendations put forward at the present time. Yet as Dr. Helmut says: "the Hansa could never have been established, nor could it have continued to exist, had not the interests of the separate towns and the interest of the league as a whole been at least in some respects in harmony with one another." (Helmut, p. 60.)

Even so, the degree of unity of which they were capable was only attained through organized force, and the league exercised no permanent influence on the political affairs of Germany; the conception of territorial principality finally won a complete victory over the ideal of federation, and the effort to maintain continued peace through a league of separate and independent political units failed to accomplish more than a temporary and inadequate result.

The leagues and alliances of the Italian republics

and cities during the fifteenth and sixteenth centuries furnish other examples of the futility or mere temporary success of efforts to secure peace through offensive and defensive pacts. Perhaps the most successful of them all was the Quadruple League entered into in 1455 between the King of Naples, the Duke of Milan and the Republics of Venice and Lombardy, for the preservation of the peace in Italy. Yet, notwithstanding this treaty, on the death of Alfonso the Magnanimous in 1461, Florence assisted John, Duke of Calabria, in his war on Naples with money, and Venice, at least with her good wishes, and while the effort failed owing to the opposition of Sforza, nevertheless, it demonstrated how feeble a barrier the league was against a conflict of interests and ambitions which could secure their objects only by war.

With the growth of principalities and kingdoms came the downfall of the power of the municipalities, and treaties and alliances alike were shown to be of little value in comparison with the strength of the ambition of princes and nations. Nor were much more permanent results secured by leagues of princes. The "great design" of Henry IV of France in the Seventeenth century, sought to create a federation of Christian Europe to prevent the perpetual warfare that so desolated it.

"Though defective in being directed against the house of Hapsburg and against Islam," says Dr. Scharf, "and in basing its reliance chiefly on force in the form of a large international army, it nevertheless was valuable in introducing into practical

politics the idea of federation as a remedy for the untold ills and lawlessness of a regime of brute force."

(The New Scharf-Herzog Encyclopedia of Religious Knowledge, Vol. VIII, p. 421.)

Its effect was but temporary, and the conflict of ambitions and interests again overcame the counsels of religion and humanity.

Other efforts followed, with similar results. The treaty of Augsburg, in 1688; the Grand Alliance of 1689; the Peace of Ryswick in 1697; the Second Grand Alliance in 1702; the Peace of Utrecht in 1717, the treaty of Aix-la-Chapelle in 1748,—all these only secured short interludes in the incessant conflict between national, racial and princely ambitions. Wars continued; human nature remained the same in the eighteenth century as it had been in the eighth, until with the establishment of the federal union on the American continent, Washington perceived the best prospect opened for peace the world had yet known. And almost coincidently with his farewell message advising his country to avoid entangling alliances with foreign powers as inevitably threatening the security of the happy condition they otherwise would enjoy under their own constitution and on their own continent, Emanuel Kant in 1795, gave to the world his famous conception of a world state through which the perpetual peace of the world should be secured (*Zum Ewigen Frieden*), which has furnished the basis of all the projects of peace societies and peace leagues and leagues to enforce peace from that time until now. It was an iridescent

dream of a German philosopher! Washington's counsel was the practical philosophy of an intensely practical man. To his mind, the clear line of policy for the new nation established on this continent was indicated by its natural advantages and made possible by that union of all its parts for which he had so steadily striven throughout his public life. To the attainment of this end, there were certain happy advantages peculiar to the American situation. The colonies derived their principles of government and their conception of liberty from a common source. Their people spoke the same language. Their commercial interests were more or less common, and they had been drawn together by the seven years of struggle for a common independence. Local jealousies indeed had delayed, but they could not prevent the movement towards that union of all the parts which was destined to result in a complete and all embracing sovereign whole. The continent of America was theirs. They were happily removed in a large measure from the political interests which occasioned constant rivalry and strife among the European powers. There was indeed one question of domestic policy which threatened the stability of the Union. Its menace increased with the growth of the nation until it flamed out in the Civil War and the permanence of the Union was at last secured by four years of war and the sacrifice of countless lives. The foreign commerce of the United States, greater in Washington's time in proportion to its size and wealth than it is now, was exposed to constant embarrassment and interruption by reason of the Eu-

ropean conflicts, yet that fact did not strike at the vital principles of American independence, nor put in jeopardy the peace and prosperity of the whole American people. Washington clearly foresaw that a scrupulous adherence to the principle of keeping out of European conflict would enable us to expand and grow to that point when we should be strong enough to command the respect of the other nations without relying upon aid secured through alliance with any of them. In the light of all previous history, in view of the experience through which he had passed, the conclusion which he reached and expressed could not well be, and its soundness was not then questioned by the American people.

Has anything in history and experience since his day occurred to justify a belief that a different rule should now be adopted or might safely be followed? The avoidance of alliances after 1798 with either France or Great Britain did not secure for the United States immunity from a war with the latter. No treaty could have prevented a war with either France or Great Britain. But if Jefferson had met British encroachments upon American rights with promptness and vigor, the conflict with England in 1812 might have been avoided. The war, however, served to knit more closely together the American commonwealths, and in 1823, President Monroe felt that the country was strong enough to send to the league of European monarchs, known as the Holy Alliance, a warning to keep their hands off the American continent. In ringing words, which even now must thrill the hearts of all Americans, President Monroe

threw down the gauntlet to the old world by asserting: "as a principle in which the rights and interests of the United States are involved, that the American continents by the free and independent condition which they have assumed and maintained, are henceforth not to be considered as subjects for future colonization by any European powers."

Jefferson, then living in dignified retirement at Monticello, was swift to express his approval of this policy.

"Our first and fundamental maxim," he wrote to Monroe, "should be never to entangle ourselves in the broils of Europe; our second, never to suffer Europe to intermeddle with cisatlantic affairs." Small in number as were the American people at that time, they did not invite the concurrence of any foreign nation into an alliance with them to maintain this doctrine. It was declared as a principle of *American* policy, to be maintained by the power of the United States; it was founded upon a profound appreciation by the American statesmen of that day of the effect upon our institutions of permitting the extension of European political influence on the American continent.

"With the existing colonies or dependencies of any European power," said President Monroe, "we have not interfered and shall not interfere. But with the governments who have declared their independence and maintained it and whose independence we have on great consideration and on just principles acknowledged we could not view any interposition for the purpose of oppressing them or controlling in

any other manner their destiny by any European power in any other light than as a manifestation of an unfriendly disposition towards the United States."

The scope of this doctrine, Mr. Root has declared in a recent address, is strictly limited.

"It concerns itself only with the occupation of territory in the New World to the subversion or exclusion of a pre-existing American government."

And he adds: "Since the Monroe Doctrine is a declaration based upon this nation's right of self-protection, it cannot be transmuted into a joint or common declaration by American states or any number of them." (Root, *The Real Monroe Doctrine*, Address, April 22, 1914.)

It cannot be too strongly emphasized that the Monroe Doctrine is not a principle of international law; it is the expression of a national policy. It was the result, not of a coalition, alliance or league of nations; it was the formulation of a purpose by a nation strong in the confidence of its own ability to maintain among the nations of the earth a policy which it had determined to be essential to the protection of its national interests and the maintenance of its national ideals. A recent writer on the subject says with truth and discrimination:

"The United States maintains the Monroe policy for the same reasons that European powers maintain the balance of power, offensive and defensive alliances, and until lately, the concert of the powers. While on the objective side these policies bear no resemblance to each other, the underlying purpose is the

same, namely, to protect various nations from conditions which they regard as dangerous to their peace and safety. The question which must be answered in discussing the Monroe policy is this: Does the Monroe policy prevent conditions that would be dangerous to us? In other words, is the maintenance of the Monroe policy necessary to our peace and safety?" (Robt. V. Armstrong, in *American Journal of International Law*, 1916, p. 83.)

This inquiry has always been answered in the affirmative; at least until a very late day; and the Monroe policy has been accepted as one of the cardinal principles of American political existence, to the maintenance of which was pledged the entire moral and physical strength of the United States. The assertion of this policy undoubtedly has protected us from successful attempts to extend the influence of European powers to this hemisphere. The one attempt made by France in Mexico in 1866, came to a sudden and disastrous conclusion, as a result of the firm stand which we assumed regarding that ill-fated enterprise, and without the necessity of firing a gun. Spain was ejected from the Island of Cuba because her continued presence there had come to be regarded by our people as a menace to the peace and order of our country.

By the treaty of Paris, December 10th, 1898, ratified by the Senate February 6th, 1899, peace was re-established between the United States and Spain, the latter relinquished all claim of sovereignty over and title to Cuba, and the United States guaranteed the performance by Cuba of its international obligations.

By the treaty of May 22nd, 1903, with the Cuban Government, ratified by the Senate March 22nd, 1904, Cuba adopted the conditions stated in the Act of Congress of April 20th, 1898, for the recognition of the independence of the people of Cuba, to the following effect:

"(1) That the government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign power or powers to obtain by colonization or for military or naval purposes or otherwise, lodgment in or control over any portion of said island. * * * (3) That the government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence; the maintenance of a government adequate for the protection of life, property and individual liberty, and for discharging obligations with respect to Cuba imposed by the treaty powers on the United States now to be assumed and undertaken by the government of Cuba."

These provisions were adopted pursuant to the Monroe Doctrine, which then was recognized as a vital principle of American policy.

Should Germany seek to establish colonies in the Caribbean Sea or on the South American continent, it would be for us to determine whether or not such action was in violation of our national policy,—the Monroe policy, and ourselves to take such action respecting it as we should determine to be necessary to the protection of our national interests. If the

effort should be made by Germany or any other power, insidiously to secure control of one of the South American countries "to the subversion or exclusion of a pre-existing American government," the matter would concern us deeply as a matter of national policy, and it would be our duty ourselves to determine in what form that conviction should take expression.

Precisely what President Wilson had in mind when a few days ago he spoke of a league of nations to secure peace, as the adoption by all the nations of the doctrine of President Monroe as the doctrine of the world, "that no nation should seek to extend its policy over another nation or people, but that every people should be left free to determine its own policy, its own way of development, unhindered, unthreatened, unafraid, the little along with the great powers," it is not easy to understand. If he meant that the United States should unite with all or a number of the other nations of the world to prevent the territorial extensions of any power as against any other,—such an offensive and defensive alliance as the world has never known,—then, with due respect to his exalted character and humane principles, it would seem safer to follow the advice of Washington, based upon experience in the past and confirmed by the experience of the century following his death, than to embark upon a modern repetition on a larger scale of the "Great Design" of Henry IV. For history furnishes abundant examples of the constant failure of leagues and coalitions for the maintenance of the *status quo* between nations and the preserva-

tion of perpetual peace, but no instance of any long continued success of such alliances. Nor does any sound principle, based upon actual human experience, justify a departure from the traditional policy laid down by Washington, Jefferson and Monroe, maintained by Grant, Cleveland, Lincoln, Roosevelt and Taft, which makes the United States of America the arbitrator of its own destinies and the sole and unfettered will to determine its own national policies and to protect its own national interests. Coincidentally with the growth of wealth and prosperity during the last twenty-five years, unfortunately there has developed in our country an increased unwillingness to face the possibility of enforcing its will by armed force and a growing disregard of the ordinary natural essential preparations to keep us in a state of reasonable readiness to protect our material interests and our national prestige. Coincidentally and progressively with this spirit has come increased reliance upon the power of written compact to relieve from the necessity of preparation to use armed force. I do not mean to minimize the value of the great efforts which have been made by statesmen of all countries to substitute for the arbitrament of force a method of peaceful determination of questions arising between nations. The strongest, wisest and most vigorous representatives of the nations gathered together at the first Peace Conference at The Hague in 1898 and at the second Conference of 1907. A great and noble work was done at each of those Conferences, in securing the formulation of great principles of international law, which

however much violated during the pending conflict in Europe, will, nevertheless, remain, as the principles formulated by Grotius amid the horrors of the Thirty Years' War remained after the termination of that war—great landmarks of immutable rules which should govern the conduct of nations, and which did in large measure influence, direct and to some extent control such conduct during the two centuries following the death of Grotius.

"The maintenance of general peace and the possible reduction of the excessive armaments which weigh upon all nations, present themselves in the existing condition of the whole world as the ideal towards which the endeavors of all governments should be directed."

Thus wrote the Russian Emperor in the rescript calling the first Hague Conference. The ideal thus expressed still remains, as it ever has existed—a great and noble vision. The efforts at its attainment so splendidly put forward in each of those great conferences have failed of immediate accomplishment. No written compact is a sure guarantee against the ambitions of a sovereign or of a nation which becomes so insistent on grandeur that it is willing to turn its back upon the principles of truth and liberty and justice in order to secure its ends.

Recognizing the principles which had controlled the destinies of our country throughout the one hundred and twenty years of its existence, the Senate of the United States in consenting to the ratification of the convention for the pacific settlement of international disputes, formulated at The Hague Conference of 1907, adopted the following resolution:

"Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with or entangling itself in the political questions of policy or internal administration of any of the foreign states, nor shall anything contained in the said convention be construed to imply a relinquishment by the United States of its traditional attitude toward purely American questions.

"Resolved further, as a part of this act of ratification, that the United States approves this convention with the understanding that recourse to a permanent court for the settlement of differences can be had only by agreement thereto through general or special treaties or arbitration heretofore or hereafter concluded between the parties in dispute; and the United States now exercises the option contained in article 53 of said convention to exclude the formulation of the '*compromis*' by the permanent court, and hereby excludes from the competence of the permanent court the power to frame the '*compromis*' required by general or special treaties of arbitration concluded or hereafter to be concluded by the United States, and further expressly declares that the '*compromis*' required by any treaty of arbitration to which the United States may be a party shall be settled only by agreement between the contracting parties unless such treaty shall expressly provide otherwise."

A similar proviso was embodied in the resolution ratifying the convention respecting the limitation of

the employment of force for the recovery of contracted debts, signed October 18, 1907.

It was a part of the policy formulated by Monroe that as America was to be kept free from European intervention, so must we keep ourselves aloof from matters of purely European concern. But the depredations of the Algerian pirates threatening the interference with or destruction of our commerce with the Mediterranean in much the same way our commerce with Great Britain and France is threatened by the German submarine warfare, had led us in the early years of Jefferson's administration to send a naval expedition, which destroyed this piracy and secured the peaceful exercise of our right to trade with his territory through a commercial treaty with the Emperor of Morocco. As a result of this enterprise, a century later an American envoy sat with the delegates of the great powers of Europe, who met at Algeciras, Spain, to consider Moroccan affairs, and united in an act and protocol, signed April 7, 1906, regulating in the interest of all the powers commercial intercourse with northern Africa. In ratifying that agreement, the Senate of the United States resolved, "that the Senate, as a part of this act of ratification, understands that the participation of the United States in the Algeciras conference and in the formation and adoption of the general act and protocol which resulted therefrom, was with the sole purpose of preserving and increasing its commerce in Morocco, the preservation of the life, liberty or property of its citizens residing or traveling therein, and of aiding by its friendly offices and ef-

forts in removing friction and controversy which seemed to menace the peace between the powers signatory with the United States to the treaty of 1880, and without purpose to depart from the traditional American foreign policy which forbids participation by the United States in the settlement of political questions which are entirely European in their scope."

Following the treaties formulated at The Hague Conference in 1907, arbitration conventions were concluded with Great Britain and with France, dated August 3, 1911. The first article of each of these treaties was in the following terms: "I. All differences hereafter arising between the high contracting parties, which it has not been possible to adjust by diplomacy, relating to international matters in which the high contracting parties are concerned by virtue of a claim of right made by one against another by treaty or otherwise, *and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted*" to arbitration.

The clause last quoted was inserted for the express purpose of withholding from the operation of the treaty such questions as the application of the Monroe policy, or the regulation of the character of emigration, or the exclusion of certain races. Yet even so, the Senate refused to ratify the treaty except "with the understanding to be made part of such ratification that the treaty does not authorize the submission to arbitration of any question which affects the admission of aliens into the United States

or the territorial integrity of the several States or of the United States, or concerning the question of the alleged indebtedness or moneyed obligations of any state of the United States, or any question which depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine, or other purely governmental policy." Thus, these two treaties carefully and properly withheld from the general agreement to arbitrate any difference between the contracting parties, questions of national policy which every nation must determine for itself, which it never can with safety submit to arbitration, and which if it agree in advance of actual controversy to submit to arbitration, may cause it on some great occasion inevitably to violate its own treaties, compelled thereto by the spirit of its people which will refuse to submit to the decision of another, fundamental questions affecting its own vital national policies. Certainly, as lately as 1912, no branch of the United States government ever had weakened its assertion of the Monroe Doctrine as an essential article of national policy. The public mind on this subject has been directed almost exclusively to questions affecting obvious clash with foreign nations. But the principles at stake concern our internal affairs as well. Suppose, for instance, Japan should insist upon the unrestricted admission of her people into this country, would public sentiment permit the submission of that question to arbitration before The Hague tribunal? It is quite certain that if Germany should without warning torpedo an Amer-

ican passenger steamer and send a thousand Americans to sudden death, our people would not tolerate a submission of the question of German right to do such an act to a commission of inquiry, nor patiently delay any action for a year while a court of inquiry under one of the Bryan treaties should make an investigation and report.

Yet, if any such questions should arise between the United States and almost any other nation, except Japan and Germany, under the series of treaties signed during the period of William Jennings Bryan's administration of the State Department, and approved by the Senate during the years 1914-1915, they would be subject to a solemn agreement to submit the same to a permanent international commission for investigation and report before using force to protect our interests from invasion, or to secure redress. For by those treaties, all disputes which may arise between the contracting parties concerning questions of an international character which cannot be solved by direct diplomatic negotiation and are not embraced by the terms of any treaty of arbitration in force between them, must be submitted to such a commission for investigation and report and the parties respectively agree that they will not declare war or begin hostilities pending the investigation and report of such commission. Such treaties have been made with Peru, Paraguay, Ecuador, Honduras, Uruguay, Guatemala, Costa Rica and Bolivia; with Italy, Russia, Norway, Portugal, Spain, Sweden, Denmark, Brazil, France and Great Britain. Chile, the strongest and most self-reliant of the

South American republics, expressly reserved from the control of the agreement made in her case all questions affecting her own vital interests. China became a party to one of these agreements; but neither Japan nor Germany has committed herself to them. By force of these treaties, if any one of the countries named were to seize upon any island in the Western Hemisphere or colonize any portion of it, the United States is under treaty obligation to first either submit the question of its right so to act to arbitration or to a court of inquiry, which is given at least a year's time in which to investigate the question, and which must report before we shall be at liberty to take any hostile action against the offending party.

It is more than doubtful whether or not any considerable portion of our people have an adequate comprehension of the import and effect of these compacts. They were promoted by Mr. Bryan in an ecstasy of pacifistic emotion, and were adopted by the Senate in happy ignorance of the impending calamity of world war which at the moment of their approval was hanging over the world. They will in all human probability occasion us great embarrassment in the not far distant future. Professor George Grafton Wilson, of Harvard University, writing in advocacy of the League to Enforce Peace, says: "Plainly, therefore, the United States is bound already, possibly in some cases under the Hague Convention, and certainly under these other treaties, of which there are a large number, to submit disputes even involving the Monroe Doctrine to a body which

would meet the requirements of the platform of the League to Enforce Peace."

Does the country understand that such is the case? If Spain or Sweden, for instance, should question our right to intervene in Cuba to enforce the obligations of the treaty above quoted and should send a warship to prevent our landing troops in Havana to aid the government of Cuba to suppress an insurrection, would our people tolerate the abandonment of our enterprise until our rights had been passed upon by a commission under one of the Bryan treaties? Perhaps the fact that these treaties exist only with such friendly powers as Great Britain, France, Russia and Italy, and with small and weak nations, and do not include those great powers whose policies most sharply threaten conflict with our own, robs the subject of obvious immediate and pressing importance. But any treaty which puts the enforcement of our Monroe policy at the mercy of a board or commission of other nations is detrimental to the permanent interests of our people and should be rescinded.

The suggestion that because the United States has become a world power and that neither Washington nor Jefferson ever dreamed of our Japanese questions, our Philippine problem, or those raised by the Panama Canal, and that there was not in their time any Monroe Doctrine to preserve and defend, we should "now prepare to disregard the warnings given by Washington and Jefferson against entangling alliances," seems to my mind a perfect *non sequitur*. On the contrary, it appears to me that all of

these considerations emphasize the necessity of our maintaining in unimpaired vigor the Monroe policy, and of our preparing ourselves by organization and training to be strong, self-reliant and competent to protect our own interests, and not to indulge ourselves in the fatuous belief that these great interests to which our nation has been committed, can be preserved by entering upon entangling alliances, by reliance upon treaties, offensive or defensive, or by membership in any league of nations formed for the preservation of peace. We have today in a very recent experience an example of the inadequacy of treaties to the protection of what a people conceive to be their national interests. On August 5th, 1914, a convention or treaty, was entered into between the United States and Nicaragua, whereby the latter country conceded to the United States certain rights for the construction of a ship canal across the so-called Nicaraguan route. But the second article of this treaty, in order to enable the government of the United States to protect the Panama Canal and the proprietary rights granted by the first article in connection with the canal route across Nicaragua, as well as to take any measure necessary to the ends contemplated in the treaty, Nicaragua leased for ninety-nine years to the United States government the islands in the Caribbean Sea known as Great Corn Island and Little Corn Island, and the right during that period to maintain a naval base at such place on the territory of Nicaragua bordering on the Gulf of Fonseca, as the United States

government might select, with the right to renew such lease for a further term of ninety-nine years. Costa Rica, Salvador and Honduras protested against this treaty upon the ground that it impaired some of the existing rights of those States. The claims of Costa Rica were founded upon an award made by President Cleveland in 1888 as arbitrator of a dispute between Nicaragua and Costa Rica. The United States Senate in ratifying the treaty with Nicaragua adopted a resolution which, after reciting that "Costa Rica, Salvador and Honduras have protested against the ratification of the said convention in the fear or belief that the said convention might in some respect impair existing rights of the said States," declared "that in advising and consenting to the ratification of the said convention, as amended, such advice and consent are given with the understanding to be expressed as a part of the instrument of ratification, that nothing in said convention is intended to affect any existing right of any of the said named states."

Notwithstanding this declaration, these countries persisted in their belief that the treaty did affect their existing rights and national interests, and they appealed to the Central American Court of Justice, a sort of Hague Tribunal established for the purpose of determining disputes among the Central American countries, and that court sustained their objections to the grant to the United States of the naval base and the several small islands in the Caribbean Sea above mentioned and the exclusive right to use the interoceanic canal, as *prima facie* at least a viola-

tion of their national rights and interests. The Central American Court of Justice required from Nicaragua a response to its decision within forty days. It appears that Nicaragua has wholly ignored the action of the court, although several months have passed since the expiration of the time allowed, and it is stated that the United States not only sustained Nicaragua in this refusal, but advised her course.

Now, it would appear that before we embark in a wholesale manner in general treaties of arbitration of all disputes, we should at least exhibit a decent regard to the determination of questions involved in submission under existing treaties which affect our own national interests unfavorably to us, and should give to small nations which are wholly dependent upon us, the same consideration which we invoke for ourselves and which apparently we hope to secure from the other great nations which are to be invited into a grand peace league with us, "all to act in the common interest, in the same sense, and with the same purposes."

Some months ago, there was published in the New York Evening Post the text of a proposed Pan-American treaty to be entered into between the United States and a number of the South American countries, which it was stated had been negotiated by the State department. By the first article of this treaty it was provided: "The high contracting parties agree to join one another in a common and mutual guarantee of territorial integrity under republican forms of government."

(New York Evening Post, April 1st, 1916.)

This was a new Monroe Doctrine; a doctrine which would commit this country to intervention by force of arms to prevent any South American power from encroaching upon the territory of another. Perhaps it was the possibility of such an excursion into the domain of international emotion that led Chile in signing the treaty of arbitration with the United States, dated July 24th, 1914, to withhold from the competency of that agreement any question in which her vital interests were involved. It would be interesting to know, what has not yet been made public by the State Department, namely, the attitude of the other strong South American powers, such for instance as Brazil and Argentina, towards such agreement. Perhaps with the passing of Mr. Bryan from the office of Secretary of State, this project has been relegated to the limbo of forgotten things. Perhaps, too, in view of the questions which the European war is now forcing upon the attention of the American people, there will be a review and reconsideration of the terms of the Bryan arbitration treaties, and amendments made in the realization that the peace of the world cannot be secured by written compact, but, at least so far as we are concerned, by national strength and courage and the international diffusion of principles of truth and justice and self-respect.

But, it may be asked, what else is left? If all efforts at maintaining the peace of the world have failed, shall we not try some new expedient? By all means, if one can be found. But an international league to ensure peace is no new expedient; whether its object

be merely the maintenance of peace through compulsory arbitration of all differences arising between nations, and the enforcement of such award by the use of an armed force provided by the members of the league; or with the object of accomplishing this ultimate end by preserving the territories of all the nations,—after a preliminary readjustment by the reconstitution of Poland (and Belgium?) and the making of arrangements to secure to every nation “a direct outlet to the great highways of the sea,”—as suggested by President Wilson; in the last analysis, the thing suggested is an agreement between a number of separate, independent, sovereign states, whereby each shall abide perpetually by the decision of the others upon every question which may arise affecting its relations with other states, and each may be called upon to furnish troops or ships to enforce the will of the league. Such agreements from time to time in the past have been made between nations, sometimes in small number, sometimes large. Some of them have been referred to in this paper. Never in two thousand years have such alliances accomplished other than a temporary observance of their terms by all the parties to them, nor resulted in more than a temporary peace. Let us not deceive ourselves with words. Human nature is the same today as it was a century or twenty centuries ago. Nations today, as in the past, must defend their national interests and ideals by their own efforts, aided, where aid is necessary, by temporary alliances. The fact that steam and electricity have bridged the oceans does not make it the less important for us to

avoid entangling alliances with foreign powers. Rather more. The opportunities for unfortunate consequence of such leagues are multiplied by modern conditions. The lesson of our present state is that we must look to our own defenses. We must accustom our citizens to the thought that a duty rests upon us to defend our own. We must do justice to others. We must aid in the establishment and acceptance of the principles of international law, for, as Mr. Root so truly says: "autocracy can protect itself by arbitrary powers, but the people can protect themselves only by rule of law."

What is needed, as he says, is concurrence by nations in statements of the rules of international law. Then, if we are strong, well organized and prepared to defend our interests, and the principles applicable to international relation are well understood, no nation is likely to assail our interests in violation of such law, except in cases where no mere membership in any international league would prevent it; and in that event, we shall be free to deal with the occasion as to us shall appear most consonant with our national welfare, unhampered by the entanglements and impediments of any troublesome alliance.

In 1848, the little kingdom of Sardinia requested the French government to keep its troops as far as possible from their frontier, lest the populace should imagine that France was going to interfere in their affairs, saying: "We intend everyone to know that Italy means to act for herself—*Italia fara da se*—." The sentence rang through Europe like the tocsin of a new vigor. Although the brave words were not

possible of instant accomplishment, yet they remained the expression of a great national ideal to animate a growing national purpose, and with the departure of the French troops from Rome in 1870, Italy came into her own, prepared as she had wished to be more than twenty years before, to act for herself. Only those nations that feel themselves strong enough to formulate and maintain the principles of their own national policy, become great in the history of the world; and only by such resolution can the principles on which our country was founded, and by which her greatness has been secured, continue to command the respect of mankind.

The counsel of Washington today is as true as it was when he first gave utterance to it. His great valedictory remains the national compass by which the destinies of America most surely may be directed amid the clouds and the darkness of international strife that now envelope the earth.

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